



1FW

PATENT
Attorney Docket No. 018638-04-5032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No. 9364
)	
Errington HIBBERT, et al.)	
)	
Application No.: 10/080,902)	Group Art Unit: 3694
)	
Filed: February 22, 2002)	Examiner: J. Swartz
)	
For: TRANSACTION MANAGEMENT SYSTEM)	
)	
)	

Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In response to the Restriction/Election requirement issued on January 17, 2007, the period for response extending until February 17, 2007, Applicants provisionally elects, with traverse, claims 29-35 (new Group 3) to be examined on the merits.

As an initial matter, Applicants thank the Examiner for extending the courtesy of allowing a telephonic interview on February 14, 2007 with regard to the Restriction. During the interview, Applicants requested clarification of the genus-species restriction set forth in the Restrict/Election requirement that alleged six distinct species (i.e., Groups I-VI). In particular, clarification was requested on how each of the grouped claims was considered a distinct specie in light of claims 1-3 being generic to only Group I.

During the discussion, it was indicated that claims 1-15 and 24-28 (i.e., alleged Groups I, II, III, and V) should have been grouped together as a first invention ("Group 1"), claims 16-23 (i.e., alleged Group IV) should have been grouped together as second invention ("Group 2"), and claims 29-35 (i.e., alleged Group VI) should have been grouped together as a third invention ("Group 3") with each invention allegedly being subcombinations usable together.

Accordingly, based on the clarification set forth during the interview, Applicants provisionally elect new Group 3 (i.e., claims 29-35) to be examined on the merits. Applicants reserve the right to file the non-elected claims in a divisional application.

Applicants believe no additional fees are due at this time. However, if there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 16, 2007

By: 

Kyle J. Choi

Reg. No. 41,480

Customer No.: 009626
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202.739.3000
Facsimile: 202.739.3001